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COMMERCE COMMISSION

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STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

CHIEF CLERK'S OFFICE

ILLINOIS BELL TELEPHONE	)	
	)	Docket No. 01-0614
Filing to Implement Tariff Provisions	)	
Related to Section 13-801	)	
Of the Public Utilities Act	)	

TESTIMONY OF DANIEL MELDAZIS

On behalf of

FOCAL COMMUNICATIONS CORPORATION  
OF ILLINOIS

DATED: October 25, 2001

1     3.     Q:     WHAT ARE YOUR CURRENT RESPONSIBILITIES AT FOCAL?

2

3           A:     I am responsible for Focal's day to day regulatory compliance at both the  
4                   state and federal levels. I am also responsible for tariffing Focal's services.  
5                   I analyze the tariffs of both CLECs and ILECs and provide tariff  
6                   interpretation to Focal's marketing and sales departments. I was involved  
7                   in Focal's deployment of Local Number Portability as member of the  
8                   Illinois LNP steering committee, the Illinois number pooling  
9                   subcommittee and the Illinois number pooling guidelines drafting team. I  
10                  also represent Focal in industry meetings concerning numbering exhaust  
11                  and area code relief implementation.

12

13     4.     Q:     WHAT IS THE PURPOSE OF YOUR TESTIMONY?

14

15           A:     My testimony will address Focal's concerns regarding several provisions  
16                   of Ameritech's proposed tariff. It is my understanding that the proposed  
17                   tariff is intended to implement Section 13-801 of Illinois' new  
18                   telecommunications law. There are a number of provisions that appear to  
19                   be in direct conflict with the new law. In addition, the proposed tariff  
20                   contains a number of ambiguities that will require further explanation  
21                   during the course of this proceeding.

22                   Specifically, Focal cannot support the extensive new requirements that  
23                   Ameritech has added to ILL. C.C. No. 20, Part 23, Section 4, Paragraph H  
24                   & I. These changes deal with Points of Interconnection and  
25                   interconnecting carriers' respective financial and facility obligations for

1           originating and terminating traffic. Focal also objects to Ameritech's  
2           proposed tariff modifications to the HFPL intervals that are found in  
3           Section 13-801.

4  
5       5       Q:     WHAT IS AMERITECH'S PROPOSAL REGARDING POINTS OF  
6           INTERCONNECTION?

7  
8       A:     In Paragraph 4.2, I., Ameritech has drafted lengthy, complex and  
9           ambiguous provisions that purport to establish carriers' respective duties  
10          for exchanging traffic. There appear to be three categories of traffic. First,  
11          calls that originate and terminate to end users that are physically located in  
12          the local exchange where the Point of Interconnection ("POI") is also  
13          located. Second, calls that originate or terminate outside the exchange in  
14          which the POI and the Ameritech end user is located. Third, calls that are  
15          to or from an Ameritech end user who is located in a different exchange  
16          than the POI. For the third category of traffic only, it appears that  
17          Ameritech's proposal would require the interconnecting carrier to pay  
18          Ameritech for "interexchange switching and transport provided by  
19          [Ameritech], if any, at the appropriate tariffed switched exchange access  
20          rate, less the mileage for a local call in Illinois.

21          Although the entire section is unclear, it is the treatment of the third  
22          category of traffic to which Focal is most concerned.

23  
24       6.       Q:     WHY DOES FOCAL OBJECT TO AMERITECH'S PROPOSAL  
25           REGARDING THE THIRD CATEGORY OF TRAFFIC?

1           A:    I am not an attorney, but I cannot find anything in new Section 13-801 that  
2                remotely suggests a need to include any of Ameritech's Paragraph 4.2, I.  
3                provisions. Indeed, as explained below, Ameritech's proposal regarding  
4                the third category of traffic would effectively reverse the only statutory  
5                provision regarding points of interconnection.

6  
7    7.    Q:    HOW DOES SECTION 13-801 ADDRESS POINTS OF  
8                INTERCONNECTION?

9  
10       A:    Section 13-801 requires an incumbent local exchange carrier to provide for  
11              the facilities and equipment of any requesting telecommunications  
12              carrier's interconnection with the incumbent local exchange carrier's  
13              network on just, reasonable, and nondiscriminatory rates, terms and  
14              conditions. Section 13-801 (b)(1)(B) provides that the foregoing must be  
15              done, "at any technically feasible point within the incumbent local  
16              exchange carrier's network; **however, the incumbent local exchange**  
17              **carrier may not require the requesting carrier to interconnect at more**  
18              **than one technically feasible point within a LATA"** (emphasis added).

19  
20    8.    Q:    DOES AMERITECH'S PROPOSAL REQUIRE CARRIERS TO  
21                INTERCONNECT AT MORE THAN ONE POINT WITHIN THE  
22                LATA?

23  
24       A:    Ameritech's proposal does not explicitly require that carriers establish

1 more than one POI. However, if a carrier does not establish a POI in (or  
2 near) every Ameritech local exchange, then that carrier would be required  
3 to pay Ameritech intrastate switched access charges for any and all traffic  
4 that is not exchanged at such a POI. I am not aware of any Illinois law or  
5 Commission policy that requires CLECs to incur this cost.

6  
7 9. Q: CAN YOU GIVE AN EXAMPLE OF THE TYPE OF CLEC THAT  
8 WOULD INCUR THESE COSTS?

9  
10 A: Yes. Any CLEC that has availed itself of its right to establish a single  
11 point of interconnection, as specifically contemplated by 13-801b)(1)(B)  
12 would be required to pay Ameritech access charges for every call it  
13 originates or terminates except those that are entirely within one exchange.  
14 For example, suppose Meldazis Telephone Company, a CLEC, established  
15 its single POI in a downtown Chicago exchange. Under Ameritech's  
16 proposal, Meldazis Telephone Company would pay Ameritech access  
17 charges for every call to or from Ameritech, except for calls to or from an  
18 Ameritech end user that was located in the same downtown Chicago  
19 exchange as the POI.

20  
21 10. Q: DOESN'T AMERITECH'S PROPOSAL REGARDING ACCESS  
22 CHARGES APPLY ONLY TO FX TRAFFIC?

1           A:     There is no such limitation in Ameritech's tariff. Ameritech inserts some  
2                   language about FX traffic and purported "additional call delivery burdens"  
3                   in the middle of its proposal, but that appears to be either poor  
4                   draftsmanship or a deliberate attempt to divert the Commission's and the  
5                   parties' attention from the true nature of its proposal. As drafted, the  
6                   access charges would apply whenever Ameritech picks up or delivers a  
7                   call outside of an Ameritech customers' local exchange.

8

9    11.   Q:     WOULD AMERITECH'S PROPOSAL BE APPROPRIATE IF IT WERE  
10                   LIMITED TO FX TRAFFIC?

11

12          A:     No. The Commission has already addressed points of interconnection in  
13                   the context of FX traffic in the Focal-Ameritech arbitration, Docket 00-  
14                   0027. There, the Commission rejected Ameritech's attempt to require  
15                   CLECs providing FX service to establish additional points of  
16                   interconnection. There is certainly nothing in Section 13-801 that suggests  
17                   that the issue be re-litigated here.

18

19   12.   Q:     ARE THERE ANY OTHER PROBLEMS WITH AMERITECH'S POI  
20                   PROPOSAL?

21

22          A:     Yes. There are a number of ambiguities and/or inconsistencies in  
23                   Ameritech's proposal. I raise them solely for the purpose of developing the

1 record, and by no means suggest that Focal would support Ameritech's  
2 proposal if these issues were clarified.

3 First, Ameritech would not apply access charges to "jointly provided FX  
4 service". I do not know what Ameritech is referring to, and I do not know  
5 how it would work.

6 Second, the application of Ameritech's access charges are unclear.  
7 Ameritech indicates that it would exclude mileage for a local call from its  
8 access charge. I interpret this to mean that there would be no transport  
9 component for bringing a call to a POI that is within 15 miles of the  
10 Ameritech customers' local exchange. Presumably transport would apply  
11 for mileage in excess of 15 miles. Nevertheless, it appears that Ameritech  
12 would charge for interexchange switching, "if any" to deliver the call to or  
13 from locations outside the exchange. The interconnecting carrier has no  
14 knowledge of or control over how or when Ameritech switches traffic  
15 within its network.

16 Third, Ameritech's tariff is not reciprocal. There is no indication that  
17 Ameritech is willing to pay access charges to the CLEC when the CLEC  
18 picks up or delivers traffic to an Ameritech POI outside the CLEC  
19 customers' exchange. It appears that under Ameritech's proposal, it is  
20 always the CLEC that bears the cost of transport: the CLEC must *pick up*  
21 all of Ameritech's traffic at the point closest to Ameritech's customer; and  
22 the CLEC must *deliver* its traffic at the point closest to Ameritech's  
23 customer.

1 Fourth, Ameritech has not explained why tariffed switched exchange  
2 access rates should apply rather than UNE rates.

3  
4 13. Q: WHAT IS FOCAL'S OBJECTION TO AMERITECH'S PROPOSED  
5 PART 23, SECTION 4, PARAGRAPH H?

6  
7 A: Ameritech's proposal requires that whenever traffic volumes between a  
8 carrier and a third party central office switch at any time exceeds a DS1,  
9 the parties must establish new direct trunk groups to the applicable end  
10 office(s). I don't believe that a tariff implementing Section 13-801  
11 requires that this matter be addressed. If the issue is addressed, then  
12 Ameritech's proposal is too inflexible. CLECs should not be required to  
13 implement direct trunking on the basis of what could be a one time, one  
14 day or one hour occurrence. It would be more reasonable to set the trigger  
15 higher, for example when traffic volumes exceed a DS3 for three  
16 consecutive months. We would also like cooperation in establishing meet  
17 point facilities through Ameritech if facilities are available.

18  
19 14. Q: DOES FOCAL OPPOSE ANY OTHER PROVISIONS IN  
20 AMERITECH'S PROPOSED TARIFF?

21  
22 A: Yes. In ILL. C.C. No. 20, Part 19, Section 2, Paragraph 2.3 B., Ameritech  
23 proposes certain provisioning intervals for line-shared loops ("HFPL").



1 Section 13-801 (d)(5) establishes a provisioning interval of one business  
2 day for an HFPL loop for at least 95% of the requests of each requesting  
3 telecommunications carrier for each month. Although Ameritech's  
4 proposal incorporates this standard, it adds two exceptions that arbitrarily  
5 limit the usefulness of the statutory requirement. First, Ameritech states  
6 that the provisioning intervals will be tolled pursuant to the process in the  
7 Line Share Turn-Up Test. Second, the interval is further limited to those  
8 situations where no conditioning is required, and also when there are only  
9 1 to 20 loops per order or end user location. None of these limitations  
10 appears in the statute. It is my understanding that HFPL provisioning  
11 intervals have been extensively litigated in other proceedings and may well  
12 be the subject of a number of performance measure dockets that the  
13 Commission has either already initiated or soon will initiate. This  
14 proceeding is not an efficient proceeding to litigate provisioning intervals.  
15 I would propose that the Commission direct Ameritech to incorporate in  
16 its 13-801 tariff the exact language found in the statute. Ameritech could  
17 then simply update the tariff to reflect the Commission's decisions in the  
18 other proceedings.

19  
20 15. Q: DOES THIS CONCLUDE YOUR TESTIMONY?

21  
22 A: Yes, it does.